## REMARKS

Claims 1-20 are pending. Claims 1, 2, 14, 15, and 20 have been amended herein, for clarification. It is believed that no new matter has been entered.

***Examiner Interview February 27, 2008***

Applicants would like to thank Examiner Bitar for discussing the presently amended claims in an interview conducted on February 27, 2008 with Applicants' undersigned representative. In the interview, amended independent claims 1 and 9 were discussed in view of the cited references, Topolkaraev and Ling. As described in greater detail below, Examiner Bitar and the Undersigned agreed that the present claim amendments require the Examiner to consider the recitations of the claim preamble, which was not previously considered. Furthermore, in light of the present amendments and the persuasive arguments detailed below, the Examiner stated that additional searching would be required to teach or suggest all elements of independent claims 1 and 14, and all claims dependent thereon.

***Claim Objections***

Claim 2 was objected to because of the following informality - the word "at" is duplicated. Claim 2 has been amended to correct this informality, thus withdrawal of this objection is respectfully requested.

***Rejections under 35 U.S.C. § 103***

In the Official Action, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Topolkaraev et al U.S. Patent No. 5,968,643 in view of the Ling et al publication, "Confocal Scanning Laser Microscopy of Polymer Coatings," *Journal of Applied Polymer Science*, 67:149-158 (1998). The rejection is respectfully traversed.

In the previous office action, the Examiner states that the preambles of claims 1 and 14 were not given patentable weight. According to the Examiner, "the preamble is not accorded any patentable weight where it merely recites the purpose of a process or the intended use of structure, and where the body of the claim does not depend on the preamble for completeness

but, instead, the process steps or structural limitations are able to stand alone". Applicant respectfully requests that the Examiner reconsider the recitations of claims 1 and 14 in their entirety, because the body of claims 1 and 14 depend on the preamble for completeness. In claims 1 and 14, the claim elements "the pore structure" in the body of the claims refers back to the preamble, thus antecedent basis i.e. completeness is dependent on the preamble being considered. Moreover, "the microporous polyolefin film" in the body of claim 1 and "the microporous polyethylene film" in the body of claim 14 both depend on the preamble for completeness. As the Examiner agreed in the Interview, the preambles of claims 1 and 14 will now be given patentable weight.

None of the references, either singularly or in combination, teach or suggest all elements of independent claims 1, 14, 15 and 20. Topolkaraev provides no teaching of confocal microscopy. Additionally, as the Examiner acknowledges, Topolkaraev fails to teach **focusing at a depth within a polyolefin film** as recited in claim 1, or **focusing at a plurality of depths within the polyethylene film** as recited in claim 14. Similarly, Topolkaraev fails to teach that each confocal microscope image comprises a two dimensional image of the pore structure of the microporous polyolefin film **at a depth within the film** as recited in claim 15, or that each confocal microscope image comprises a two dimensional image of the pore structure at a depth within the microporous polyethylene film as recited in claim 20.

Topolkaraev teaches imaging cross sectional *surfaces*, not obtaining images by focusing at a depth within the film. The description at column 17, line 20-column 18, line 2 relates to obtaining an electron photomicrograph of a cross-section view (see column 17, lines 34-35 which describe the preparation of a cross-section surface). Moreover, Topolkaraev teaches imaging a film, but provides no teaching of **imaging the detectable material or detectable dye** within a film as recited in claims 1 and 14. Topolkaraev further fails to teach that the pore structure is represented by a detectable dye as recited in claims 16 and 20.

Ling fails to cure the noted deficiencies of Topolkaraev. Ling teaches using CSLM to provide simultaneous qualitative and quantitative information on poly(2-vinylpyridine) coating *surfaces* as well as other measurements over a wide range of surface areas. (*See* Abstract). Ling teaches imaging a poly(2-vinylpyridine) polymer, but provides no teaching of imaging a polyolefin film or polyethylene film as claimed. Also, Ling focuses its confocal microscope on the *surface* of a film, not a depth within a film. The Examiner cites FIG. 2 of Ling for teaching

this claim element; however, FIG. 2 teaches focusing on the *surface* of the metal substrate *underneath the polymer coating*, not at a depth within the film. (*See* page 133, column 2). Like Topolkaraev, Ling also fails to teach imaging the coating, not imaging the detectable material or detectable dye as claimed. Consequently, Topolkaraev and Ling, either singularly or in combination, fail to teach or suggest all elements of claims 1, 14, 15, and 20, and all claims dependent thereon. As a result, the rejection under §103 is believed to be overcome, and reconsideration is respectfully requested.

The Applicants respectfully submit that the application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully requested.

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